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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of:

Atty. Docket:

Mark *et al.*

871.0011 USU

Serial No.: 09/745,390

Art Unit: 2618

Filed: December 22, 2000

Examiner: Dao, Minh D.

Customer No.: 29683

Confirmation No.: 1123

Title: Method and Apparatus for Providing a Remote Keypad for a Mobile Station

**REPLY BRIEF**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in reply to the Examiner's Answer mailed May 2, 2006.

**Claim 1**

An issue regarding claim 1 in this appeal is the meaning of "self-powered information entry part comprising a keypad or keypad module ..." as recited in claim

1. Appellants contend that "self-powered" properly construed refers to an information entry part that is capable of providing its own source of power.

It should be noted that “self-powered” is a term that already has meaning. A quick search of “self-powered” on the Internet as used to describe small electronic devices indicates that it refers to devices that are capable of generating their own power using, for example solar cells; hand-cranked generators; or inductive power generating means. A typical “self-powered” electronic device comprises a flashlight containing a hand-cranked generator. It is noted that “self-powered”, when applied to such devices, does *not* refer to solely battery-powered modes of operation.

Nonetheless, it is not unusual for such devices to incorporate batteries. But it is not the presence of a battery that makes these devices “self-powered”; it is the ability of these devices to provide their own source of power – *i.e.*, generate power – that makes them self-powered.

With this and the dictionary definition as background, the proper analysis here is whether Appellants deviated from the normal meaning of “self-powered” and adopted a different meaning. Careful examination of the specification clearly indicates that “self-powered”, as used by Appellants, was accorded its ordinary and customary meaning, *i.e.*, as referring to a device that is capable of providing its own source of power.

Examiner has argued that assigning Appellants’ meaning to “self-powered” would refer to a device that is dependant on the presence of the Sun. Examiner apparently concludes that such a Sun-dependent device cannot be self-powered, and therefore assigns a meaning to self-powered that encompasses solely battery-powered

modes of operation as evidenced by the Examiner's reliance on the Halperin reference.

It is noted that the self-powered electronic devices mentioned before – such as flashlights – are all dependent on an outside agency such as the Sun; a user turning a generator crank; or a user shaking a device that incorporates an inductive power generating device. Although these devices are dependent on an outside agency they are still described as *self-powered*. The reason that they are described as *self-powered* is because they can provide their own source of power by generating it. It is noted that a solely battery-powered device cannot do this – once the battery charge is exhausted, the device can no longer be used.

A self-powered device, on the other hand, can be used as soon as the Sun shines or a crank is turned.

The Appellants argued that the doctrine of claim differentiation supports Appellants' position. One need look merely at the pattern of dependency to see that Appellants are correct. Notably, claim 5 is the first dependent claim that specifies how the self-powered information entry part is powered, and it refers to a solar cell. Claim 6, which depends from claim 5, further specifies that the self-powered information entry part may further be powered by a battery. If Appellants had wanted to deviate from the ordinary and customary meaning of self-powered and encompass modes of operation that are solely battery-powered, it seems that they would have more logically made claim 6 depend from claim 1 and not from claim 5. The fact that

Appellants did not adopt this pattern of dependency is further evidence that they adopted the ordinary and customary meaning for self-powered.

In addition, regarding the description of the battery in the specification, it is described as being “optional”. If a battery was capable of providing a self-powered mode of operation Appellants would not have described it as being “optional”; rather, Appellants would have described it as, for example, an “alternative”. Further, the fact that Appellants described the battery as “optional” implies that the solar cell is not “optional”. This further bolsters Appellants’ argument that they adopted the ordinary meaning for self-powered because a non-optional solar cell insures that a self-powered information entry part, in fact, does provide a self-powered mode of operation.

Claims 2 – 3, 7 – 9 and 13 stand or fall with claim 1.

#### **Claim 15**

Appellants respectfully submit that the foregoing arguments with respect to the meaning that should be accorded “self-powered” are equally applicable to claim 15.

Regarding Examiner’s response to Appellants’ arguments respecting the Little patent, the arguments made by Appellants are important and the Examiner mischaracterizes them. In order for the teaching of Little to be combined with the teachings of Halperin and Park, there must be a suggestion or motivation to combine the references. The Little reference is not concerned with the use of integrated

photovoltaic cell and battery in electronic devices *per se*, but instead with overcoming specific problems encountered in such integrated photovoltaic cell/battery combinations.

Accordingly, it is incorrect for the Examiner to ignore a reference which teaches how a device may be modified to accomplish specific goals as in the case Halperin and rely on a reference which has no specific teaching of how an integrated photovoltaic cell/battery can be used in an electronic device as in the case of Little. Taking into consideration what Halperin actually states one skilled in the art would not make the combination suggested by the Examiner. Instead, one skilled in the art having the Halperin teaching in mind would reject the additional complexity resulting from the combination of Park, Halperin and Little.

Appellant therefore respectfully submits that claim 15 is patentable and should be allowed.

Claims 5, 6, 11, 12, 14, 17, 19 and 20 stand or fall with claim 15.

### Missing Appendixes

Appellants have attached appendixes that were inadvertently omitted from Appellants' Appeal Brief.

### Conclusion

In view of the arguments presented above, it is respectfully requested that the Examiner's rejection of claims 1 – 3, 5 – 9, 11 – 15, 17 19 and 20 be reversed.

Respectfully submitted,

June 30, 2006

Date

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### CERTIFICATE OF MAILING

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June 30, 2006

Date

Debra Braggett

Name of Person Making Deposit

## **IX. EVIDENCE APPENDIX**

None.



## **X. RELATED PROCEEDINGS APPENDIX**

None.